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BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			MARKS, CHRISTINA M	
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		3713		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/689,498	LEMAY ET AL.
	Examiner	Art Unit
	C. Marks	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-55 and 57-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-55 and 59-61 is/are rejected.

7) Claim(s) 57-58 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-24 and 37-45 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, and those dependent therefrom recite the limitation "a master gaming controller designed or configured to control a game..." which is indefinite as it cites both an intended use for the master gaming controller as well as a structure. One of ordinary skill in the art would not be able to ascertain the exact requirements for the microprocessor, as there is no concrete definition of what exactly comprises the microprocessor. The language presents an intended use versus a positive structure. It would not be understood what the microprocessor must do or what it is capable of doing. The language does not clearly define if the microprocessor contains structure that is actually configured to control the game, or merely designed for an intended use of being capable of controlling a game. Thus, a skilled artisan would not be able to ascertain the exact requirements of the claim language.

Claims 37 and those dependent therefrom recite the limitation "the gaming machine is operable to..." One of ordinary skill in the art would not be able to ascertain the exact requirements for the gaming machine, as there is no concrete definition of what exactly comprises the gaming machine. The language presents an intended use versus a positive structure, as the word operable does not clearly define either. It would not be understood what the gaming machine must do or what it is capable of doing. The language does not clearly define if the gaming machine contains structure that is actually configured to receive/dispense, or merely designed for an intended use of

being able to receive/dispense. Thus, a skilled artisan would not be able to ascertain the exact requirements of the claim language.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 5-6, 8-12, 14-16, 18, 37-38, 41-43, 45-47, 50-51, 53, 54, and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119).

Soltys et al. discloses a system that automatically monitors playing and wagering of a game (Abstract). The system includes monitoring table games and provides a measurement of security (Abstract). Soltys et al disclose that it is advantageous that casinos understand the habits of their customers (Column 1, lines 28-30). Furthermore, the fast pace and large sums of money that take place in casino gaming make the casinos likely targets for cheating and stealing (Column 1, lines 61-64). Soltys et al. also disclose that some aspects of casino security should be unobtrusive to avoid detracting from the player's enjoyment and to prevent cheaters from detecting the security measures (column 2, lines 3-7).

Soltys et al. disclose a method of displaying a game history wherein a sequence of game presentation frames in the form of video are generated in the monitoring system that visually monitors activity on the playing surface (Column 6, lines 6-49). The system monitors all events occurring during the game and outputs the information to a database wherein the data will be stored in memory for immediate review or later view (Column 12, lines 64-67) thus storing the data associated with the game history. The system continuously acquires images or game presentation frames of the gaming table (Column 13, lines 23-27). Regarding claims 2, 6 and 16, the management can then review selected gaming sessions and in these sessions, images representing game presentation frames and game history are output to a display device along with data and

statistics from the game and are incorporated into the presentation (FIG 30) to create a simulated representation of an actual gaming environment (Column 23, line 52) in order for management to review the game. Further regarding claim 8, the history information presented (FIG 30) is related to the game currently being presented (FIG 30, i.e. reference 962-968). Regarding claim 9, this information includes player tracking information (FIG 30, reference 974), date and time (FIG 30, reference 964), game denomination information (FIG 30, reference 970), game name (FIG 30, reference 950), and other critical information. As stated above and as would be inherent to the system, this data is stored in memory for immediate or future review. Regarding claim 10, it is inherent to the functionality of the monitoring program of Soltys et al. that the game history frame contains data substantially identical to that presented in the game. Regarding claim 11, Soltys et al. disclose that the simulation frame includes a title uniquely identifying which game played is represented by the game history frame (FIG 30, see title at top). Further, the table game can display another frame of the game without it actually being captured and stored to the history, as it is axiomatic to the system of Soltys et al. that a frame would not be created for every instance and step of the game as the frame is merely a simulation. Soltys et al. disclose the monitoring process of the disclosure is applicable to a number of different types of games (Column 26, lines 5-25). Regarding claim 53, it would be obvious to one of ordinary skill in the art that the apparatus of Soltys et al. can monitor in the history frames on or more previous games from different table games and this information could be incorporated into a single frame as an important disclosed part of the Soltys et al. is player tracking and it is notoriously well known in the art that players are tracked as they move between different table games.

Though Soltys et al. teaches the great importance of casino monitoring and security, Soltys et al. does not disclose using the cameras to monitor the gaming played on the video gaming machines.

Olah et al. discloses a method for capturing the history of computer usage by generating presentation frames used in a presentation by the computer and then capturing and storing each of

these frames into a buffer for future selection and viewing by management (Abstract). The disclosure of Olah relates to the monitoring of computer usage and a system and method for recording activity on a computer by capturing the content of the display (Column 1, lines 11-15). In the system of Olah et al., screen captures are executed and saved to a log wherein the operator can later retrieve the images to provide a graphical record of use activity (Column 4, lines 29-35). Olah et al. disclose that by using screen captures, a record of the user's activity is created that, in addition to being highly simple to evaluate, is an irrefutable account of the usage (Column 4, lines 44-48). Regarding claim 18, the screens can be viewed on the actual computer monitored or on a computer with appropriate communication interface paths (Column 6, lines 13-16). Once the presentation frames have been generated and stored in memory, the operator can select saved screen captures as well as other data associated with the screen captures and view the data (Column 6, lines 66-67; Column 7, lines 1-5). This history is all stored in memory. Statistical information about the user's activities can also be stored (Column 7, lines 42-43). This process can be repeated for second and future subsequent presentations at the will of the operator.

It is well known in the art that video gaming machines, such as those used in a casino, include a master gaming controller that is configured to control a game of chance or to generate a video game of chance, a display device, a memory device, as well as means to receive wagers and pay out. Regarding claim 5, the types comprising these gaming machines are also well known to be selected from the group of video slots, video keno, video poker, video pachinko or video black jack. It is also well known that for the gaming machines to present their gaming data in video format, a sequence of game presentation frames are generated by the master gaming controller in order to present the game. Further, regarding claim 14, it is notoriously well known in the art that the storage used in a gaming machine consists of RAM, flash, a hard drive or other mass storage means and combinations of. Further, regarding claims 59 and 60, it is notoriously well known that video gaming machines use streaming video, 2-D and 3-D means to present graphics.

Based upon the combined disclosures of Olah et al. and Soltys et al. and that which is notoriously well known in the art, it is known from Soltys et al. that monitoring within a casino is desirable in order to prevent cheating and to maintain system integrity. Based upon the teachings of Olah et al., one of ordinary skill in the art would recognize that the method disclosed for monitoring a computer could easily be applied to the computer gaming machines embodied in a casino to monitor the game of chance played on the machine in the same manner the machine is monitored by Olah et al. One of ordinary skill in the art would be motivated to combine the features of Olah et al. into a casino such as disclosed by Soltys et al. to provide a monitoring feature for not only table games, but also gaming machines in order to provide a more thorough security system in order to prevent cheating and to monitor usage and functionality. By incorporating the teachings of Olah et al. into the disclosure of Soltys et al., the casino monitoring system of Soltys et al. would be able to monitor not only the table games but the gaming machines as well and by using the screen capture functionality as opposed to video cameras, the system of Soltys et al. would be much more economical because the same screen capturing software could be used on all the machines and a separate camera would not be required for each.

By this combined disclosure and incorporation of Soltys et al., Olah et al. and that which is notoriously well known, a gaming machine would thus be obvious that comprises a system and method for generating a sequence of frames, as is known in the art, and each frame would be screen captured and stored in a buffer as disclosed by Olah et al. An operator, either on the gaming machine or on a separate gaming machine in communication with the initial gaming machine, could then select a frame from the sequence of frames stored in memory in order to create a history frame with additional information, as disclosed by Soltys et al., and the frame could be viewed as disclosed by Soltys et al. in a new frame that consists of not only the game presentation frame, but also information indicative of play of the game as shown by Soltys et al. This history frame could then be stored in memory for immediate or future review as would be desirable for the reasons disclosed by Applicant for disputes that can occur in the use of the gaming machine.

Regarding claim 46, it would have been obvious to one of ordinary skill in the art that to create the game history frames as suggested by Soltys et al., one would select a game history frame to view the data. It would also be obvious to the needs of a casino in preventing fraud as disclosed by Soltys et al. to search for critical information such as players suspected of card counting (FIG 30). This history frame is already stored in memory and it would have been a design choice to temporarily store it in a buffer and absent a showing of criticality would have been obvious. Based upon the disclosure of Olah et al, the captured frames could then be accessed in a manner to reconstruct a game history. This frame could then be incorporated as an image into the history presentation of Soltys et al. as it merely represents a digital image. One of ordinary skill in the art would flush the frame without storing it as it is already stored as a part of the game history and thus would be wasteful to capture it to memory and essentially store it twice. Soltys et al. then disclose displaying the frame on the machine for viewing. One would be motivated to make these incorporations as to provide the game history captured by Olah et al. in a user friendly manner as disclosed by Soltys et al. wherein information about the game could all be viewed on a single screen. Soltys et al. further includes adding text describing a game event (FIG 30) and playing back the game history frame with other frames to create a simulation of the gaming session (Column 4, lines 9-10).

Further, the Applicant admits in the disclosure of prior art relating to monitoring in the gaming machine. The disclosure states, "For gaming machines, an important function is the ability to store and redisplay historical game play information. The game history provided by the game history information assists in settling disputes concerning the results of game play...an attendant arrives at the gaming machine and places the gaming machine in game history mode. In game history mode, important game history information about the game in dispute can be retrieved and displayed... Usually only a subset of the game history is played back and not the entire game...Often because of storage limitations, a graphical presentation corresponding to the actual game play cannot be

identically recreated...A unique game presentation would require a unique playback code to recreate a visual display of game history."

Based upon the Applicant's admission of prior art, one of ordinary skill in the art would be motivated to apply the teachings of Olah et al. to a gaming machine as it would have been obvious to one of ordinary skill in the art that the record of computer usage as disclosed by Olah et al. could be directly applied to create such a record in a gaming machine. Olah et al. teaches of monitoring a user's entire session and that because screen captures are executed and saved to a log, no special software code is needed. Further, by executing such screen captures, a record of the user's activity is created, that in addition to being highly simple to evaluate, is an irrefutable account of the computer usage (Column 4, lines 44-47) which is the goal disclosed by Applicant for creating a history in a gaming machine and thus one of ordinary skill in the art would be motivated to apply the disclosure of Olah et al. which provides a means for monitoring a computer, as a gaming machine is merely just a specialized computer. One of ordinary skill in the art would be motivated to do so because Applicant discloses it is well known that such monitoring is desirable in gaming as well as the fact that it corrects currently known defects in monitoring of gaming machines.

Claims 3, 4, 19, 24, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) further in view of Acres (US Patent No. 6,319,125).

What Soltys et al., Olah et al., and Acres teach has been disclosed above and is incorporated herein.

Acres teaches that it is desirable to increase available memory space in such a gaming device. In the manner of the memory management claimed, it is well known in the art that a common algorithm to manage the contents of the memory is the Least Recently Used (LRU). In the LRU algorithm, data is stored in memory in a cache or queue of some type by the time it was last used, being that the oldest data is stored last. When required, the LRU can then remove data from

its memory by removing the last item from its cache, thus removing the oldest data when the memory requires it to do so. In order for the LRU to be able to implemented properly, it is axiomatic to the function that it check the memory available before implementing any action on that memory.

It would have been obvious to one skilled in the art at the time of invention to incorporate the LRU algorithm into the memory device of the gaming machine obviated by Soltys et al. and Olah et al. One skilled in the art would be motivated to do this in order to not have to replace the memory device when it is full. By discarding the oldest or least recently used piece of data, it would ensure that newer data would not accidentally be discarded before older data.

Further, regarding claims 3 and 4, based upon the teaching of Acres regarding memory space it would have been obvious to discard presentation frames after their use or transfer to memory as buffers are of limited size and it would not be fathomable to store each and every frame indefinitely. Further, by incorporating the data from the buffer to a memory device, it could be kept as a more permanent copy if needed and then could easily be incorporated into the system of Soltys et al. to be modified, amended and have data added to it to form a more thorough record.

Furthermore regarding claims 19 and 44, it is well known in the art that anything that is in image or textual format can be printed. Therefore, it would have been obvious to one skilled in the art at the time of invention to print the image format of the game history frame in order to keep a backup record in a permanent paper file of any critical or controversial action, which required the use of accessing such history frame. By performing such a print action, one of ordinary skill in the art understands that optionally, the computer file could then be deleted and thus memory further conserved.

Claims 7, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) in view of Cumbers (US Patent No. 6,234,900).

What Soltys et al. and Olah et al. disclose has been discussed above and is incorporated herein.

Soltys et al. disclose that images from the area surrounding an operator are incorporated into the history presentation. Olah et al. discloses the images on a computer are captured in order to present the history of usage by a user. However, the combined disclosures do not disclose incorporating the actual image of the user into the history.

Cumbers discloses a device that records a player image from a slot game in order to easily identify the player using the machine and to detect fraud (Abstract). The devices of Soltys et al. and Olah et al. are also used in surveillances in order to detect fraud. It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Cumbers in using surveillance in slot machines to detect fraud as well as capturing the player image, into the fraud detection system of Soltys et al. One skilled in the art would be motivated to do so in order to more easily identify the user of the device thus aiding in preventing fraud on slot machines as well as aiding in the identification of those who commit fraudulent acts. The history frame of Soltys et al. discloses the incorporation of player data and the possibilities of certain players cheating. Based on the disclosure of Soltys et al. and Olah et al., it would thus be obvious to then incorporate the player image directly into the frame to distinctly and solely identify the players at the table by more than just an identifier naming their seat position. One of ordinary skill in the art would be motivated to do this in order to provide an even further measure of security for the system.

Claims 13, 22, 23, 25-33, 36, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) further in view of Alcorn et al. (US Patent No. 6,149,522).

The system and method Soltys et al. and Olah et al. disclose has been discussed above and is incorporated herein.

Though Soltys et al. disclose the use of a signature to unambiguously identify the frame, Soltys et al. does not disclose this signature to be encrypted.

Olah et al. disclose requiring a password to view the frames acquired in monitoring the computer machine (Column 7, lines 1-14). Olah et al. also disclose further security measures can require a user make a series of keywords or numerical entries prior to allowing access to the frames (Column 9, lines 1-10). Olah et al. does not specifically disclose that a signature is used to unambiguously identify the game history frame. However, Soltys et al. does disclose a signature title associated with each frame to uniquely identify it (FIG 30).

Alcorn et al. teach that in order for a gaming system to be acceptable for casino use, the system must provide both security and authentications (Column 1, lines 42-44). Alcorn et al. further teach that a means to accomplish the security required would be to provide a program or fixed data set for a casino game, computing a first abbreviated bit string unique to the program or fixed data set, encrypting the first abbreviated bit string to provide an encrypted signature of the fixed data set, and storing the fixed data set and the signature together in a memory device (Column 4, lines 49-54). Alcorn et al. suggest methods to accomplish this encrypting such as a hash function (Column 1, lines 57). Alcorn et al. furthermore discusses the encryption process as used for the signature encryption (Column 3, lines 23-25), which is axiomatically appended to the data it is encrypting.

It would have been obvious to one skilled in the art at the time of invention to incorporate the validation process as taught by Alcorn et al. to the information display of Soltys et al. in view of Olah et al. in order to provide a secure information history where the data can not be corrupted thus creating a reliable and secure history presentation which is defied by the Applicant as a well known issue in the viewing of gaming history. The method of Alcorn et al. would provide a further means to the security methods as disclosed by Olah et al. by appending the data to the encrypted frame. In this manner, each frame would itself be encrypted and not just the entrance into the system as a whole as disclosed by Olah et al. One of ordinary skill in the art would be motivated to do this to provide a better overall security for the system.

Through the teachings of Alcorn et al. into the system of Soltys et al. and Olah et al., a sequence of game presentation frames are generated, selected, and incorporated into a history frame presented on a display separate from the machine wherein the history frame comprises a signature to identify the frame.

Regarding claim 25, it would be axiomatic to the functionality of using a signature to encrypt the validity of a frame that the signature must be validating upon decryption in order to assess that it is indeed the valid and correct file.

Alcorn et al. teach that in order for a gaming system to be acceptable for casino use, the system must provide both security and authentications (Column 1, lines 42-44). Alcorn et al. use a casino game data set and a unique signature to accomplish this. Further, an authentication procedure is used to validate the data (Column 9, line 41) and regarding claim 33 this process is defined as decryption. Even more detailed regarding claim 36, Alcorn et al. state the casino game data set checking phase proceeds by computing a second abbreviated bit string from the stored casino game data set using the same hash function, decrypting the stored encrypted signature to recover the first abbreviated bit string, and comparing the first and second abbreviated bit strings to determine whether the two strings match. If a match does occur, the casino game data set is deemed authentic; if there is no match, authentication is denied and access is prohibited (Column 4, lines 60-67; Column 5, lines 1-4). Further, it would have been obvious to produce an error message if authentication is denied.

Further, concerning the specifics as disclosed by Olah et al., regarding claim 26, it is disclosed in Olah et al. that the storage device can hold a number of history presentations in the memory for future viewing by the operator (Column 7, lines 15-20). Though the exact number is not disclosed, it is known that a storage medium can hold a great number of footage and it is disclosed the memory contains the transactions deserving of a detailed review by the operator. Being that the memory includes the footage frames corresponding to an act at a computer terminal, one of ordinary skill would understand that the memory would axiomatically hold over ten presentations.

Regarding claim 27, it is disclosed by Olah et al. that any activity on the computer can be monitored and all activities are monitored (Column 4, lines 28-50). It is notoriously well known that the types of activities used on the computer are run by different programs and are thus of different types.

Regarding claim 28, Olah et al. use the same playback device to playback each type of history frame.

Regarding claims 29 and 30, Olah et al. discloses that the viewing of monitored computer usage can be on the targeted computer but is not limited to the targeted computer. The viewing can occur on another computer with the appropriate communication paths between itself and the targeted computer (Column 6, lines 10-16).

Regarding claim 31, Olah et al. discloses allowing the operator to locate the game history frame corresponding to the game presentation from within the database (FIG 4).

Further, concerning the specifics as disclosed by Soltys et al., regarding claim 32, Soltys et al. disclose including player information, game history information and game specific information on the history frame (FIG 30).

Claims 17 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) further in view of Acres (US Patent No. 6,319,125).

The system and method of Soltys et al. and Olah et al. has been discussed above and is incorporated herein.

The collective disclosure of Olah et al. and Soltys et al. do not disclose the storage associated with a gaming machine is located outside the gaming machine.

However, Acres teaches that although the processor could possibly be run exclusively from internal memory, in a preferred embodiment, the processor utilizes a combination of internal and

external memory devices to increase the available memory space and to provide more flexibility (Column 21, lines 45-49).

Further, it would also have been obvious to one skilled in the art at the time of invention to add an element of external memory to the disclosure of Soltys et al. and Olah et al. as taught by Acres. One of ordinary skill in the art would be motivated to make this incorporation in order to increase the storage capacity of the internal memory and be able to create a more detailed user history record as disclosed as desirable by Olah et al.

Claims 20, 21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) in view of Alcorn et al. (US Patent No. 6,149,522) further in view of Acres (US Patent No. 6,319,125) further in view of Sanford II et al. (US Patent 6,021,196).

What Soltys et al., Olah et al., Alcorn et al., and Acres disclose has been discussed above and is incorporated herein.

Olah et al. discloses a method for capturing data from a machine in order to monitor the session. These screen captures can then be stored to memory and later viewed to determine the user's session.

Olah does not disclose means to limit the space required to save these captures. However, it is notoriously well known in the art that color reduction and compression are means to save an image while using less space.

Regarding claims 20 and 21, Acres teaches that it is desirable to increase available memory space in such a gaming device. Two well-known methods in the art for saving the space an image takes are color-reduction and compression. Especially well known, compression algorithms are used everywhere from compressing music files into .mp3s or movies into .mpeg, or reducing the size of files by "zipping" them. It would have been obvious to one skilled in the art to use such a well-known technique on the device of Olah et al. in order to conserve valuable memory space

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when storing the image data captured by the screen capture. Sandford II et al. state that color reduction methods analyze a Truecolor image to determine a smaller number of colors that can be used to reproduce an approximation to the original publication quality image. Color reductions to 256 or fewer colors are used commonly for digital images intended for display (Column 1, lines 31-36).

It would have therefore been obvious to one of ordinary skill in the art to incorporate the teachings of Sanford II et al. into the frame display as disclosed by Soltys et al. and Olah et al. One would be motivated to do this because as is known in the art and taught by Acres et al., it is desirable to save as much space as possible when saving data to memory. By incorporating a well-known color saving algorithm, as disclosed by Sanford II et al., it would have been possible to approximate the original publication quality image using less colors and thus less space, meeting the goals as disclosed by Acres et al.

Furthermore regarding claims 34 and 35, it has been disclosed it is desirable to increase available memory space in such a gaming device. Two well-known methods in the art for saving the space an image takes are color-reduction and compression. Especially well known, compression algorithms are used everywhere from compressing music files into .mp3s or movies into .mpeg, or reducing the size of files by "zipping" them. It would have been obvious to one skilled in the art to use such a well-known technique on the device of Soltys et al. and Olah et al. in order to conserve valuable memory space when storing the image data. Sandford II et al. state that color reduction methods analyze a Truecolor image to determine a smaller number of colors that can be used to reproduce an approximation to the original publication quality image. Color reductions to 256 or fewer colors are used commonly for digital images intended for display (Column 1, lines 31-36).

With that in point, it is axiomatic to the function of these algorithms that a means to undo them be provided if the original image is to be displayed. Thus, decompression [RE: Claim 34] and color restoration [RE: Claim 35] would be required.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al. (US Patent No. 6,533,662) viewed collectively with Olah et al. (US Patent No. 6,446,119) in view of Slye et al. (US Patent No. 5,395,242).

What Soltys et al. and Olah et al. disclose has been discussed above and is incorporated herein.

The combined disclosure of Soltys et al. and Olah et al. do not disclose using the system to show both maintenance and a game presentation.

However, Slye et al. disclose the use of the recording and surveillance device to function in two separate modes (Column 2, lines 32-42). The first mode plays back recorded game data and allows the user to simulate the game as it was recorded and the second mode allows the playing of the game. Thus the disclosure of Slye et al. allows for multiple modes of display to be presented on a single machine.

One of ordinary skill in the art would be motivated to incorporate the teachings of Slye et al. wherein a system can display multiple modes into the system of Soltys et al. and Olah et al. By allowing the system to display multiple modes, a greater convenience would be provided to the user as by incorporating multiple modes, monitoring and surveillance could be increased while the cost would be decreased, as a separate system would not be necessary for additional modes and the functionality of Soltys et al. and Olah et al. would work well for both a maintenance video and a game service mode as it would provide a record of what has occurred in the machine and what possibly caused the machine to fault that resulted in the maintenance being needed.

Allowable Subject Matter

Claims 57 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record, including that which is disclosed by Soltys et al. and Olah et al., does not include using the game information garnished from the monitoring of the system to

create a bonus game scenario and the incorporation of such a feature is not taught nor suggested within the prior art of record.

Response to Amendment

The Examiner notes that in order to aid in understanding and comprehension full justification should not be used in future amendments as it hinders the ability to easily read the remarks.

Response to Arguments

In response to the Applicant's arguments that the combination of Soltys and Olah does not teach or suggest generating a sequence of game presentation frames for use in a presentation played on a gaming machine and incorporating such into a history frame as neither describe generating game presentation frames for a gaming machine, the Examiner respectfully disagrees. The references must be viewed in combination; therefore, it is not convincing that the Applicant attests that neither reference describes such. As disclosed above by the Examiner, the reference in combination does indeed disclose such a feature.

In response that there is no motivation to combine the reference, the Examiner respectfully disagrees. The Examiner maintains that by incorporating the teachings of Olah et al. into the disclosure of Soltys et al., the casino monitoring system of Soltys et al. would be able to monitor not only the table games but the gaming machines as well and by using the screen capture functionality disclosed by Olah as opposed to video cameras, the system of Soltys et al. would be much more economical because the same screen capturing software could be used on all the machines and a separate camera would not be required for each thus motivating a skilled artisan for using the teachings of Olah et al. in the system of Soltys et al.

In response to the Applicant's argument that Soltys would not benefit from Olah et al. as gaming machines do not use manual methods to prevent cheating, the Examiner respectfully disagrees. The Examiner points out that Soltys et al. disclose that it is advantageous that casinos

understand the habits of their customers (Column 1, lines 28-30). Furthermore, the fast pace and large sums of money that take place in casino gaming make the casinos likely targets for cheating and stealing (Column 1, lines 61-64). Therefore, a skilled artisan would be motivated from this disclosure to monitor the casino in all possible ways, thus obviating monitoring the slot machines in the system of Soltys to better understand the habits of customers as well as to further protect the casino from cheating and stealing.

Regarding the Applicant's assertion that the Examiner *may* have used hindsight reasoning in stating that game history capture and playback are admitted prior art, the Examiner respectfully disagrees. Applicant explicitly states in the specification "For gaming machines, an important function is the ability to store and display historical game play information ...which assists in settling disputes (page 2, lines 3-5)." In further discussing this issue, the Applicant states, "the recall of the graphical presentation for game history playback has *traditionally* been achieved by retrieving data and recreating an approximation of the game (page 2, lines 25-28)." Thus the argument that the Examiner used improper hindsight in citing this information is not persuasive as it the specification addresses these issues as well as how they have been traditionally handled, thus improper hindsight can not be established as the motivation cited by the Examiner that is being challenged by the Applicant is that of a motivation for using this information (settling disputes) not the manner in which this is achieved. The information cited by the Examiner is admitted by the Applicant as previously known, as the Applicant also identifies how other traditionally addressed it, thus it is not information that can only be gleaned from the Applicant's invention.

In response to the Applicant's request that the Examiner point out where Cumbers discloses that the incorporation of a player's image provides more security, the Examiner directs the Applicant to view the abstract which states "the device acquired image data can be compared with stored image data to identify undesirables such as slot cheats or the like" thus the acquisition and usage of images creates more security, the least of the reasons being that identified in the abstract of Cumbers that the images stored readily identify the player as well as possibly identify the player

as an undesirable player. Thus the incorporation of the images allows the casino further security measures for at least this reason as players can be immediately recognized.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.


cmm
January 7, 2004


Teresa Walberg
Supervisory Patent Examiner
Group 3700